

Applicant: Veillon et. al.
Serial No.:10/092,738
Group Art Unit: 3763

PATENT
Docket No. CLS-5794

REMARKS/ARGUMENTS

Reconsideration of this application and the rejection of claims 1-4, 7-10, 12-21, 23, 29-31 and 33-34 is respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Official Action dated November 4, 2003 (paper number 7) and believe that the application is in condition for allowance.

Applicant notes that claims 6, 11, 22 and 32 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all the limitation of the base claim and any intervening claims.

Claim 1 stands rejected under 35 USC §102(e) as being anticipated by Odell and rejected under 35 USC §103(a) as being unpatentable over Arai et al. in view of Odell. Claim 1 has been amended in manner which Applicants believe includes the limitations of claim 6 and intervening claim 5. Therefore, as indicated by the Examiner's objection of claim 6, Applicants respectfully submit that claim 1 is now in condition for allowance. Claims 2-4, and 7 stand rejected under 35 USC §102(e) by Odell and rejected under 35 USC §103(a) over Arai et al. in view of Odell. Claims 2-4, and 7 are submitted as being allowable as depending from allowable claim 1, as presently amended. Therefore, the rejection of claims 2-4, and 7 is respectfully traversed.

Claim 8 stands rejected under 35 USC §102(e) by Odell and rejected under 35 USC §103(a) over Arai in view of Odell. Claim 8 has been amended to include the limitations of claim 11. Therefore, as indicated by the Examiner's objection to claim 11, Applicants respectfully submit that claim 8 is now in condition for allowance. Therefore, Applicants respectfully traverse the rejection of claim 8. Claims 9-10 and 12-14 stand rejected under 35 USC §102(e) by Odell and rejected under 35 USC §103(a) over Arai in view of Odell. Claim 15 stands rejected under 35 USC §103(a) over Arai in view of Odell and further in view of Goodsir. Claims 9 – 10, 12- 15 depend directly or indirectly from claim 8 and are submitted as being allowable as

depending from allowable claim 8, as presently amended. Therefore, the rejection of claims 9-10 and 12-15 is respectfully traversed.

Claim 16 stands rejected under 35 USC §103(a) as being unpatentable over Arai in view of Odell. Claim 16 has been amended to include the limitations of claim 22. Therefore, as indicated by the Examiner's objection to claim 22, applicant respectfully submits that claim 16 is now in condition for allowance, and the rejection of claim 16 under 35 USC §103(a) is respectfully traversed. Claim 17-21 and 23 stand rejected under 35 USC §103(a) as being unpatentable under Arai in view of Odell. Claims 17-21 and 23 depend directly or indirectly from claim 16 and are submitted as being allowable as depending from allowable claim 16, as presently amended. Therefore, the rejection of claims 17-21 and 23 is respectfully traversed.


Claim 29 stands rejected under 35 USC §102(e) by Odell and rejected under 35 USC §103(a) over Arai in view of Odell. Claim 29 has been amended to include the limitations of claim 32. Therefore, as indicated by the Examiner's objection to claim 32, applicant respectfully submits that claim 29 is now in condition for allowance. Therefore the rejection of claim 29 is respectfully traversed. Claims 30-31, 33 and 34 stand rejected under 35 USC §102(e) by Odell and rejected under 35 USC §103(a) over Arai in view of Odell. Claims 30-31 and 33-34 depend directly or indirectly from allowable claim 29 and are submitted as being allowable as depending from allowable claim 29 as presently amended. Therefore the rejection of claims 30-31 and 33-34 is respectfully traversed.

Claims 5, 6, 11, 22, 24-28 and 32 have been cancelled, and the rejections and objections thereto are considered mute.

The claims as amended and in view of the above remarks are deemed to being conditioned to allowance and such action is respectfully solicited. Should the Examiner discover that there are outstanding issues which may be resolved by telephone, he or she is invited to contact applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

Date: March 4, 2004

By: 
Jeffrey C. Nichols
Registration No.: 36,879

BAXTER INTERNATIONAL INC.
One Baxter Parkway
Deerfield, Illinois 60015
Tel: 847.948.4922
Fax: 847.948.4026